

REMARKS

Claims 1-20 are pending in the present application. Claims 1 and 3 were rejected under 35 USC 112, second paragraph. Claims 1-2, 5, 10 and 12-14 were rejected under 35 USC 102(b) as being anticipated by Asai (US 4,278,291). Claims 102, 10 and 14 were rejected under 35 USC 102(b) as being anticipated by Fohl (US 5,882,072). Claims 1-2,5,10 and 12-14 were rejected under 35 USC 102(b) as being anticipated by Meyer (US 6,017,086). Claims 1-2, 7, 10 and 15-16 were rejected under 35 USC 102(b) as being anticipated by Schafer (US Patent Application No. 2003/0057748 A1). Claims 1-4, 7, 10 and 15-16 were rejected under 35 USC 102(b) as being anticipated by Veine (US Patent Application No. 2003/0160481 A1). Claims 1-2, 7, 10 and 15-16 were rejected under 35 USC 102(b) as being anticipated by Schafer (US 6,623,073). Claims 17-20 were rejected under 35 USC 103(a) as being unpatentable over Asai. Claims 17-20 were rejected under 35 USC 103(a) as being unpatentable over Meyer. Claims 6, 8-9, and 11 were determined to be allowable if rewritten so as not to be dependent on a rejected base claim.

Claim Informalities

The claim informalities have been corrected as advised..

Claims rejected under 35 USC 102(b) as anticipated

Claim 1

The Asai Reference (US 4,278,291)

The Applicant respectfully traverses the Examiner's rejection based on Asai. The Asai reference does not teach an active head restraint that moves into the deployed position during vehicle impact wherein the head restraint inner structure moves to a forward position in response to the deployment as claimed by the present invention. Asai teaches a simple linear adjustable headrest. The sole reference to vehicle impact is discussed in column 3 wherein the spring load absorbs some energy from a head impact. This does not teach moving the headrest linearly forward in response to impact or the use of deployed and stowed positions as

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claimed by the present invention. Therefore, the 102(b) rejection based on Asai is improper and should be overturned.

The Fohl (US 5,882,072) Reference

The Applicant respectfully traverses the 102(b) rejection based on the Fohl reference. The Fohl reference fails to teach the unique combination claimed by the present invention for forward deployment in combination with forward linear adjustment. The present invention clearly claims moving the head restraint inner structure linearly forward during vehicle impact. What it claims in combination as well, however, is the linear adjustment to a plurality of positions along the travel arm (see paragraph 18 of specification). Although the claim language in combination with the specification was clear as filed, the Applicant has amended the language to utilize the term adjustable versus movable to simplify prosecution. This unique combination of fore/aft adjustment in combination with forward deployment on impact is not taught by the Fohl reference. Therefore, the 102(b) rejection based on Fohl is improper and should be overturned.

The Meyer Reference (US 6,017,086)

The Meyer Reference was used by the Examiner as the basis for a 102(b) rejection in the same manner as the Fohl reference. The Applicant again must traverse this rejection for the reasons cited above. Namely, that the Meyer reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact.

The Schafer (US Patent Application) Reference

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Schafer Application reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact.

The Veine Application Reference

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Veine Application reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact.

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The Shafer Reference (US 6,623,073)

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Shafer ('073) reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact

Claim 3**The Veine Application Reference**

Claim 3 was rejected under 35 USC 102(b) as anticipated by the Veine reference. The Applicant respectfully traverses this rejection. In addition to the arguments presented above in regards to the underlying independent claim, the Applicant additionally asserts that Claim 3 contains additional limitations also not taught by the Veine reference. Namely that the head restraint is biased towards the deployed position; that the trigger element releases it; and that the back translation portion releases the trigger. The Veine reference utilizes a back translation portion to pull a cable which pulls the hinge to move forward the front face of a headrest. The headrest is not biased forward; there is no trigger releasing it to move forward; and the back translation portion does not release the trigger. Therefore the rejection is improper and should be overturned.

Claim 5**The Asai Reference (US 4,278,291)**

The Applicant respectfully traverses this rejection. The Applicant incorporates the arguments with regard to the patentability of independent claim 1 upon which this claim depends. The Asai reference fails to teach the unique combination of a locking arm, uni-directional notches, and forward deployment during vehicle impact. It should be noted that Asai does not teach forward deployment during impact nor the use if uni-directional notches the "allow the active head restraint element to move....to...forward position while said locking arm is in said locking arm engagement position". As is clearly evident from Figure 3 of the present invention, the uni-directional notches prevent rearward movement but

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allow forward movement when in the engagement position. Thus when the active head restraint is activated, forward motion is achieved without concern about the locking arm being engaged. This unique and patentable feature is not taught by the Asai reference.

The Meyer Reference (US 6,017,086)

The Applicant traverses the rejection based on the Meyer reference as well. The Meyer reference fails to disclose a locking arm for adjustment or a plurality of uni-directional notches. It further does not disclose the unique combination of a locking arm, uni-directional notches, and forward deployment during vehicle impact. The Meyer reference provides linear deployment but without linear forward adjustment features and fails to even discuss the use of uni-directional notches. The Applicant therefore submits that these rejections should be traversed.

Claims 6, 8, 9, and 11

Applicant has rewritten claims 6, 8 and 11 into independent form. Claim 9 is dependent on claim 6. The Applicant submits these claims are in proper condition for allowance as indicated.

Claim 10

The Asai Reference (US 4,278,291)

The Applicant respectfully traverses the Examiner's rejection and requests reconsideration. As argued in regards to Claim 1, Asai fails to teach forward deployment during vehicle impact as claimed by the present invention and therefore cannot anticipate the present claims.

The Fohl (US 5,882,072) Reference

The Applicant respectfully traverses the 102(b) rejection based on the Fohl reference. The Fohl reference fails to teach the unique combination claimed by the present invention for forward deployment in combination with forward linear adjustment. The present invention clearly claims moving the head restraint inner structure linearly forward during vehicle impact. What it claims in combination as

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well, however, is the linear adjustment to a plurality of positions along the travel arm (see paragraph 18 of specification). In addition, the claim has been amended to claim a one piece head restraint inner structure as clearly indicated in each of the drawings as originally filed. The advantage of a single piece inner structure is that it may be covered in a traditional fashion and maintain the look and feel of a standard headrest. The two piece headrests such as illustrated in Figures 5 and 6 of the Fohl reference either have unacceptable extensions rearward or non-traditional coverings to allow forward motion. Therefore, the 102(b) rejection based on Fohl is improper and should be overturned.

The Meyer Reference (US 6,017,086)

The Meyer Reference was used by the Examiner as the basis for a 102(b) rejection in the same manner as the Fohl reference. The Applicant again must traverse this rejection for the reasons cited above. Namely, that the Meyer reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact. In addition, the Meyer reference teaches the use of a pyrotechnical device to force the headrest forward. The present claim, however, claims the head restraint element being biased forward and a trigger releasing the restraint element to follow said bias during vehicle impact. This is not taught by Meyer and therefore, the underlying rejection is improper and should be overturned.

The Schafer (US Patent Application) Reference

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Schafer Application reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact. Even more significantly, the Schafer reference clearly does not teach a one-piece head restraint inner structure as presently claimed after amendment. The combination of limitations presented by the present claims provides far greater novel utility than taught by the Schafer Application Reference.

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The Veine Application Reference

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Veine Application reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact. Even more significantly, the Veine reference clearly does not teach a one-piece head restraint inner structure as presently claimed after amendment. The combination of limitations presented by the present claims provides far greater novel utility than taught by the Veine Application Reference

The Shafer Reference (US 6,623,073)

The Applicant again must traverse this rejection for the reasons identical to those cited above. Namely, that the Shafer ('073) reference does not teach the unique combination of linear forward adjustment in combination with linear forward deployment during vehicle impact. Again, the Schafer ('073) reference clearly does not teach a one-piece head restraint inner structure as presently claimed after amendment. The combination of limitations presented by the present claims provides far greater novel utility than taught by the Shafer ('073) Reference.

Claim 12**The Asai Reference (US 4,278,291)**

The Applicant respectfully traverses this rejection. The Applicant incorporates the arguments with regard to the patentability of independent claim 10 upon which this claim depends. The Asai reference fails to teach the unique combination of a locking arm, notches, and forward deployment during vehicle impact. It should be noted that Asai does not teach forward deployment during impact nor the use of the locking arm and notches to provide adjustment in combination with forward deployment during impact. This unique and patentable feature is not taught by the Asai reference.

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The Meyer Reference (US 6,017,086)

The Applicant traverses the rejection based on the Meyer reference as well. The Meyer reference fails to disclose a locking arm for adjustment or a plurality of notches. It further does not disclose the unique combination of a locking arm, notches, and forward deployment during vehicle impact. The Meyer reference provides linear deployment but without linear forward adjustment features. The Applicant therefore submits that these rejections should be traversed.

Claim 13The Asai Reference (US 4,278,291)

The Applicant respectfully traverses this rejection. The Applicant incorporates the arguments with regard to the patentability of independent claim 10 upon which this claim depends. The Asai reference fails to teach the unique combination of a locking arm, uni-directional notches, and forward deployment during vehicle impact. It should be noted that Asai does not teach forward deployment during impact nor the use of uni-directional notches to "allow the active head restraint element to move....to...forward position while said locking arm is in said locking arm engagement position". As is clearly evident from Figure 3 of the present invention, the uni-directional notches prevent rearward movement but allow forward movement when in the engagement position. Thus when the active head restraint is activated, forward motion is achieved without concern about the locking arm being engaged. This unique and patentable feature is not taught by the Asai reference.

The Meyer Reference (US 6,017,086)

The Applicant traverses the rejection based on the Meyer reference as well. The Meyer reference fails to disclose a locking arm for adjustment or a plurality of uni-directional notches. It further does not disclose the unique combination of a locking arm, uni-directional notches, and forward deployment during vehicle impact. The Meyer reference provides linear deployment but without linear forward adjustment features and fails to even discuss the use of uni-directional notches. The Applicant therefore submits that these rejections should be traversed.

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Claim 17**The Asai Reference (US 4,278,291)**

The Applicant respectfully traverses this rejection. The Applicant notes that Asai does not teach forward deployment and therefore is not a proper basis for this 103 rejection. Furthermore, the reference does not mention, discuss, or otherwise indicate the use of back intrusion to rotate a translation element and subsequently active an active head restraint element. Furthermore the travel channel is not formed in the head restraint inner structure as clearly indicated in the present claim. Therefore, this rejection is improper and should be overturned.

The Meyer Reference (US 6,017,086)

The Applicant traverses the rejection based on the Meyer reference as well. The Meyer reference does not mention, discuss, or otherwise indicate the use of back intrusion to rotate a translation element and subsequently active an active head restraint element. Furthermore the travel channel is not formed in the head restraint inner structure as clearly indicated in the present claim. Therefore, this rejection is improper and should be overturned.

Claim 18**The Asai Reference (US 4,278,291)**

The Applicant respectfully traverses this rejection. In addition to the above arguments regarding impropriety of the underlying independent claim rejection, the Applicant asserts that Asai does not teach the use of a deployed and stowed condition as claimed in the present claims and therefore, surely cannot teach or render obvious the biasing towards deployed, locking into stowed, or the releasing during activation as clearly claimed by the present invention. Therefore, this rejection should be reconsidered.

The Meyer Reference (US 6,017,086)

The Applicant traverses the rejection based on the Meyer reference as well. The Meyer reference does not teach or render obvious biasing towards deployment, locking in stowed or releasing into deployment. And again, the closest thing the Meyer reference has to a travel channel is not located anywhere near the head

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restrain inner structure as claimed by the present invention. Therefore, this rejection should be reconsidered.

Claim 19

The Asai Reference (US 4,278,291)

The Meyer Reference (US 6,017,086)

Neither reference, either alone or in combination teaches the use of a combination of locking arm and forward deployment as claimed by the present invention. Neither reference discusses the practicalities of combining forward adjustment with forward deployment as claimed. Neither reference teaches biasing toward deployment. Neither reference teaches releasing the locking arm to active forward deployment as claimed herein. Therefore, this rejection should be reconsidered.

Claim 20

The Asai Reference (US 4,278,291)

The Meyer Reference (US 6,017,086)

As fully discussed in the apparatus claim counterparts. Neither reference teaches the combination of adjustments and forward deployment claimed herein. The references, either alone or in combination, fail to address the use of uni-directional notches to allow for the use of a locking arm in combination with forward deployment override. These references, either alone or in combination, cannot render obvious the limitations of the present claim.

The Applicant would like to again thank the Examiner for the recognition of the allowable material and asserts that all claims are now in proper form for allowance.

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CONCLUSION

The Applicant would like to thank the Examiner for his assistance. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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